

Exhibit 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEPHEN McCOLLUM, <i>et al.</i>,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 3:12-CV-02037
BRAD LIVINGSTON, <i>et al.</i>,	§	
<i>Defendants.</i>	§	

DEFENDANTS' DESIGNATION OF EXPERTS

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendants, Robert Eason, Jeff Pringle, Sandra Sanders, Karen Tate, Richard Clark, and Texas Department of Criminal Justice (TDCJ), by and through their attorney of record, the Attorney General of the State of Texas, and files this Designation of experts.

I.

1. Oscar Mendoza
Administrative Review and Risk Management
Texas Department of Criminal Justice
P.O. box 99, 1060 State Hwy 190E
Huntsville, Texas 77342-0099
(936)437-4839

Mr. Mendoza is the Director of Administrative Review and Risk Management and is a non-retained expert. He will testify regarding the Texas Department of Criminal Justice policies and procedures in place at the Hutchins Unit in July of 2011. Specifically he will testify on TDCJ policies regarding heat illnesses, training of employees and notification of offenders on heat related issues.

He will testify that the policies and procedures in place at the Hutchins facility did not contribute to the death of Mr. McCollum. He will further testify regarding the correctional officers training in regards to medical conditions. He will further testify that TDCJ and UTMB policies were/are appropriate at the Hutchins facility to address extreme temperatures necessary to protect and safely house heat-sensitive prisoners. He will testify regarding the national accreditation standards

for prisons and that the Hutchins state jail in July, 2011 met the minimum standards for prison facilities for environmental conditions, staffing, reception/intake, classification and training.

2. Benjamin Leeah, M.D.
Texas Tech Correctional Managed Healthcare
Texas Tech Health Science Center
Lubbock, Texas

He is a non-retained witness who will testify about the medical care provided to Mr. McCollum at the Hutchins Unit, McClennan County and Parkland Hospital. In addition he will testify regarding McCollum's medical care during his previous incarceration. In addition he will testify regarding the Texas Department of Criminal Justice Policies and procedures as they relate to heat related illnesses and issues. Specifically he will testify that these policies did not contribute to the death of offender McCollum. He will further testify that in July, 2011 TDCJ and UTMB policies were/are appropriate at the Hutchins facility to address extreme temperatures necessary to protect and safely house heat-sensitive prisoners.

3. Keith Pinckard, M.D.
Former Medical Examiner at Southwestern Institute of Forensic Sciences
Now Professor at University of New Mexico

Dr. Pinckard performed the autopsy of Mr. McCollum. He will testify regarding his examination, his findings and the conclusions in his report.

4. Frank Traknyak
Trak Engineering, Inc.
1806 Snake River Road, Suite D
Katy, Texas 77449

Mr. Traknyak will testify regarding proposed modifications of the Hutchins unit climate control system. Specifically he will assess the facility and will testify regarding the feasibility of installing and maintaining cooling systems, which will include a review of any physical modifications needed to implement these changes.

5. Robert Eason
Former TDCJ Region Director
Now Deputy Director of TDCJ-CID

He will testify that the policies and procedures in place in July, 2011 at the Hutchins facility did not contribute to the death of Mr. McCollum. He will further testify regarding the correctional officers training in regards to offender medical conditions. He will further testify that TDCJ and UTMB policies

were/are appropriate at the Hutchins facility to address extreme temperatures necessary to protect and safely house heat-sensitive prisoners. In addition, he may testify regarding matters discussed in his deposition.

6. Kim Farguson
Texas department of Criminal Justice
Regional Maintenance Supervisor

Mr. Farguson is a non-retained employee of the Texas Department of Criminal Justice. He is designated as a rebuttal expert to testify regarding the HVAC or air handling systems at the Hutchins facility. He may also testify regarding the repair or process for air handlers on TDCJ facilities.

7. Julius Baker
Maintenance Supervisor
Hutchins Unit
1500 East Langdon Rd, Dallas, TX.

Mr. Baker is a non-retained employee of the Texas Department of Criminal Justice. He is designated as a rebuttal expert to testify regarding the HVAC or air handling systems at the Hutchins facility. He may also testify regarding the repair or process for air handlers on the Hutchins Unit.

Subject to any further discovery which may ensue in this case, Defendants reserve the right to supplement any reports made by Defendants experts.

II.

Defendants reserve the right to call as an expert any of the expert witnesses designated by the Plaintiff in this matter.

III.

In addition, Defendants hereby incorporate any and all expert witnesses named, called, retained, hired and/or utilized by any other party to this cause of action and incorporates all reports given or to be given by any of the persons listed above as well as all exhibits they intend to rely upon, including but not limited to the anticipated designation by co-defendant, the University of Texas Medical Branch.

IV.

Defendants incorporate all deposition testimony given in this or a related case. Additionally, Defendants supplement this designation by adopting and incorporating all deposition testimony that has been given and/or will be given in this matter.

V.

Defendants herein reserve the right to amend or supplement their designation with additional experts in response to or for rebuttal purposes after those designated by Plaintiff's experts are deposed, should those depositions elicit testimony beyond what has been described in their respective designations.

VI.

Defendants further reserve the right to elicit, by way of direct, cross-examination or rebuttal, any testimony from any designated experts or witnesses called by the Plaintiff in this action.

VII.

Furthermore, Defendants considers this designation and any further supplementation of any applicable discovery request, including but not limited to their Response to Initial Disclosure, supplemental disclosures, and answers to Interrogatories, and/or response to Request for Production.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX

Deputy Attorney General for
Defense Litigation

KAREN D. MATLOCK

Assistant Attorney General
Chief, Law Enforcement Defense Division

/s/ Bruce R. Garcia

BRUCE GARCIA

Assistant Attorney General
State Bar No. 07631060
P. O. Box 12548, Capitol Station
Austin, Texas 78711

ATTORNEYS FOR DEFENDANTS

NOTICE OF ELECTRONIC FILING

I, **BRUCE GARCIA**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing **Defendants' Designation of Experts** to the Court, on February 19, 2014 in the Northern District of Texas, Dallas Division.

/s/ Bruce R. Garcia

BRUCE GARCIA

Assistant Attorney General

CERTIFICATE OF SERVICE

I, **BRUCE GARCIA**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants' Designation of Experts** has been served by placing same in the United States Mail on this the 19th day of February, 2014, addressed to:

Jeff Edwards
Scott Medlock
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702

Kim Coogan
Office of the Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Via Hand-Delivery

Demetri Anastasiadis
Office of the Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Via Hand-Delivery

/s/ Bruce R. Garcia
BRUCE GARCIA
Assistant Attorney General